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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/764,569	01/27/2004	Tetsuro Motoyama	245418US-2	9034

22850 7590 09/17/2008
OBLON, SPIVAK, MCCLELLAND MAIER & NEUSTADT, P.C.
1940 DUKE STREET
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EXAMINER

HOANG, HIEU T

ART UNIT	PAPER NUMBER
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2152

MAIL DATE	DELIVERY MODE
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09/17/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Pre-Interview Communication (For use in the First Action Interview Pilot Program)	Application No. 10/764,569	Applicant(s) MOTOYAMA ET AL.	
	Examiner HIEU T. HOANG	Art Unit 2152	Page 1 of 2

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE **ONE MONTH OR THIRTY (30) DAYS**, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

This time period for reply is NOT extendable under 37 CFR 1.136(a). This communication constitutes notice under 37 CFR 1.136(a)(1)(i).

To avoid abandonment of the application, applicant must, within this time period for reply, file:

- (1) A letter requesting not to have a first-action interview, or
- (2) A completed Applicant Initiated Interview Request Form (PTOL-413A) accompanied by a proposed amendment or arguments.

Inventor participation in the Pre-First Action Interview is encouraged if it would expedite resolution of the application.

Disposition of Claims

- 3) ☒ Claim(s) 1-5, 10-13, 18-22 is/are pending in the application.
 3a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 4) ☐ Claim(s) _____ appear to be allowable.
- 5) ☒ Claim(s) 1-5, 10-13, 18-22 appear to be rejectable.
- 6) ☐ Claim(s) _____ may be subject to an objection.
- 7) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 8) ☐ The specification may be subject to an objection by the Examiner.
- 9) ☒ The drawing(s) filed on 01/27/2004 is/are: a) ☒ accepted or b) ☐ may be subject to an objection by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

- 10) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 11) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) ☐ All b) ☐ Some * c) ☐ None of:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

*See the attached detailed Office action for a list of the certified copies not received.

Contact Information

Examiner's Telephone Number: (571)270-1253
 Examiner's Typical Work Schedule: Monday-Thursday, 8 a.m.-5 p.m., EST
 Supervisor's Name: Bunjob Jaroenchonwanit
 Supervisor's Telephone Number: 571-272-3913

Attachment(s)

- | | |
|--|--|
| <ol style="list-style-type: none"> 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
 Paper No(s)/Mail Date <u>10/31/07, 09/11/07, 12/01/06, 06/27/06, 05/01/06, 12/20/05, 10/26/05, 11/09/04, 04/26/04, 2/20/08, 4/29/08, 6/24/08.</u> | <ol style="list-style-type: none"> 4) <input type="checkbox"/> Interview Summary (PTO-413)
 Paper No(s)/Mail Date. _____ 5) <input type="checkbox"/> Notice of Informal Patent Application 6) <input type="checkbox"/> Other: _____ |
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Pre-Interview Communication	Application No. 10764569	Applicant(s) MOTOYAMA ET AL.	
	Examiner HIEU T. HOANG	Art Unit 2152	Page 2 of

Notification of Potential Rejection(s) and/or Objection(s)

#	Claim(s)	Reference(s) (if applicable)	Rejection Statutory Basis	Brief Explanation of Potential Rejection
1	10-13		101	Claim 10 recites "means for" doing specific steps of a method. Since no explicit disclosure of the means is found in the specification, these means can be software instructions or protocol instructions, rendering the claim(s) non-statutory (see continuation)
2	28-22		101	Claim 18 recites "a computer program product having a computer usable medium..., comprising...instructions." A computer program product comprising instructions can be software, per se, and is therefore non-statutory. (see continuation)
3	1-5, 10-13, 18-22	Dorland, Krishnamoorthy	103	For claim 1, Dorland discloses a method of managing information related to at least one monitored device communicatively coupled to a network, comprising: (see continuation)

Expanded Discussion/Commentary

1	(see, e.g., specification fig. 23, code sequence for means for selecting a communication protocol) for doing the specific steps.
2	A computer usable medium, being undefined in the specification, can be read as a transmission medium such as transmission wires, cables or even wireless media, propagating signals waves, and is therefore non-statutory.
3	selecting a communication protocol among a plurality of communication protocols used to extract status information from the at least one monitored device ([0019], lines 1-10, SNMP, FTP, and HTTP); retrieving, from a first memory, by a protocol object associated with the selected communication protocol, vendor and model information of the at least one monitored device, obtaining a vendor name and a model name ([0033], lines 1-4, [0026], table on page 5 right column, model and vendor ID, reading configuration including a vendor ID and a model ID)
3	determining if the descriptive string is present in a second memory; and if the determining step determines that the descriptive string is not present in the second memory, storing the descriptive string in the second memory in association with the protocol object ([0032] lines 1-4, [0036], an e-integration manager is a central management system that receives and synchronizes management data received from the e-managers). Dorland does not disclose creating a descriptive string using the obtained vendor name and the obtained model name.
3	However, Krishnamoorthy discloses a data structure having a vendor ID and a product ID (fig. 11, [0045]). It would have been obvious for one skilled in the art at the time of the invention to combine the teachings of Dorland and Krishnamoorthy to establish device classes using vendor and product ID or name to efficiently distinguish among different device categories. Claims 10 and 18 are rejected for the same rationale as in claim 1.
3	Buling on the rejection of claims 1, 10 and 18. Claims 2, 11, 19 (Krishnamoorthy, fig. 11, separator). Claims 3, 20 (Dorland, [0019], lines 1-10). Claims 4, 12, 21 (Dorland, fig. 4, table on p. 5). Claims 5, 13, 22 (Dorland, [0019] lines 1-10)

DATE: 7/31/2008	Examiner Signature: /HH/	Primary Examiner Signature: 
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